Dear Mr. McCarthy, 7/12/86

Separately my wife and I want to thank you for the excellent columns. After she read today's she expressed her dismay, "And it typifies everything today."

Including our experiences with the government and the press in FOIA cases, especially government dishonesty that escalated into crimes and the total indifference of all elements of the press. Take today's headline grabber in the Post, the U.S. Attorney who only now announces he is going to investigate alleged crimes at Lorton. Where has he been all these years - when he didn't have as good a shot at page one- column eight? He is, quite literally, involved in serious crimes against me and when I am surrogate for all the people. He is signatory to undenied perjury, fraud and misrepresentation, proven in court and without even pro forma denial. Today the government doesn't worry about such things as its felonies, which have become more and more acceptable to the press. Believe me, it is not merely that I have made these allegations - I have proven them with the government's own records. I've kept as many as six on the Post informed, with copies of all pleadings of both sides, all documents I've attached and provided to the government when provided to the courts, and nobody (not meaning you) cares any more. They've got a judgement against me based on these felonies and they separated me from my pro bono lawyer by getting a judgement, since dismissed, against him, creating a conflict of interest for him.

Some of the documentation is pretty raunchy but, possibly because of prejudice against the subject, nobody considered worth even a stick of type. The subject matter is FBI records relating to the assassination of President Kennedy. I am alone among the critics in not being a conspiracy theorist and in debunking the various theories. Mine is a rather large study of how our basic institutions functioned or didn't - in time of great crisis and thereafter. There is no significant error in any of my seven books and none in thousands of pages of affidavits where, if I made even a little mistake, they'd come after me. Unfortunately, aside from its original hangups, the press lumps us all together as nuts and the reporters who know better also know their desks and dare fight them only so much.

One of these previously secret FBI records discloses, among many other things, that when the Warren Commission was formed the FBI prepared dossiers on all the members and the staff, updating the staff dossiers when the Report was issued. On the critics it prepared what it describes as "sex dossiers," and the FBI agent who disclosed these records to a friend of mine swore in my case (one illustration only) that they do not exist. Because when this case was first up on appeal I filed an en banc petition that was rejected, more than enough proof automatically reached the Department and the FBI and since then they've not withdrawn any of their perjury or misrepresentation. (The fraud lies in how they got the judgement by these means, about three months of my Social Security if, as I do not intend, I were to pay it.)

Although it represented a significant cost and effort for us, we sent copies of everything to the major papers, wire services and TV nets, plus individuals I've spent from hours to days helping in the past. Where I received any response, and it was rare, the response was no news. In my reporting day it would have been by content and because it is a man-bites-dog story. Maybe aging, unwell and handicapped man, very well known to the dog who has been libelling him for years, as disclosed records leave without questions. One well-circulated ingenuity you may appreciate is telling LBJ in 1966 that an annual religious gathering at a farm we then had was the annual celebration of the Russian Revolution - which in any event does not coincide with the Jewish high holidays. If the people who processed those records and more like them hadn't believed the fabrication they'd never have let me have those pages and records of their circulation. But can you imagine the impact on those who got them?

Aside from what is involved for me personally there are significant precedents involved in this litigation and I believe they are not limited to FOIA, which this case can but because of the "discovery" and sanctions precedents alone.

Imagine FOIA requesters being confronted with "discovery" demands once this case is finalized! Could even a wealthy paper like the Post persevere? Could it think of paying the great costs in counsel fees involved? And what of the possible precedent in a decision that dismisses official perjury as of no consequence because it allegedly is merely "cumulative," judge's Orwell for omnipresent and overwhelmingly proven?

Today I'm not very able and I've just asked for an extension of time from the appeals court because my present state of health makes preparing a brief in a little over a month physically impossible. But I'll do what I can. I suspect that I'm hated as much by the FBI and CIA for what I did in the past as for my accurate exposes. In 1974, when the climate there was a bit better, Congress amended the investigatory files exemption of FOIA to open the dirty work in them for the first time, leading to the sensational exposes you may remember. The prejudice even then was such that it was not news when an unimportant individual persevered and made the system work. The only mention I've ever seen was indirect, when a decent judge mentioned it one of the very rare times a reporter was in the courtroom. It was Gardner. I enclose a copy.

over one of my cases

Self-censorship by the press, often to support favored administrations or policies, is not new but it is much worse than in my reporting days that began in the late 20s when I edited the high school paper that won the All-America honors rating from the Columbia School of Journalism and professionally in the early 1930s, when I began with the Wilmington Morning News, while I was at the Univ. of Delaware. The city editor cleared what he knew "the establishment" and his superiors would not like, my expose of their man, the university's president, as a Nazi sympathizer, and he hid me in the toilet when that eminence raged in. I didn't get my degree but it was published. And neither of us was fired. However, my magazine investigative reporting in the early days of World War II did cost that editor his job. He was fired by that good friend of Presidents Nixon and Reagan, Walter Annenberg. So, it isn't entirely new. But today I fear it is a greater danger to the nation.

I know what it is to be a minority of one and you are not quite that lonely at the Post, Keep up the great work and we thank you for it.

Sincerely,

Harold Weisberg

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